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Girls' right to education

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to education, Mr. V. Muñoz Villalobos***

* The present report is submitted late in order to incorporate the most recent information.

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Summary

The present report focuses on girls' right to education. In view of the first assessment of the Millennium Development Goals, the Special Rapporteur wished to focus on Goals 2 and 3, on universal primary education and gender equality. The Special Rapporteur addresses the sociocultural context of gender discrimination by defining the concept of patriarchalism, which underpins discriminatory behaviours. He denounces the negative impact on education, and especially on girls' education, of the persistent consideration of education as being a service rather than a human right and insists on the importance of ensuring not only girls' access to school but also their completion of the education cycle. The report identifies obstacles to education for girls, such as early marriages and pregnancies, child labour (especially domestic work) and armed conflicts.

The Special Rapporteur draws attention to aggravating factors and highlights the key role of human rights education and its concrete implementation at the classroom level to combat gender discrimination and stereotypes. The report also summarizes replies received to the questionnaire sent to different stakeholders to solicit information on the realization of the right to education for girls, extracting major trends from the replies and validating his findings. The report provides a set of recommendations based on the four elements identified as components of the right to education, namely, availability, accessibility, acceptability and adaptability.

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Introduction

1. In its resolution 1998/33, the Commission on Human Rights established the mandate of the Special Rapporteur on the right to education. The Commission renewed the mandate for a period of three years in its resolution 2004/25. The present report is submitted in accordance with paragraph 12 of Commission resolution 2005/21, which requested the Special Rapporteur to report to it at its sixty-second session.
2. The specific subject chosen by the Special Rapporteur for his second annual report is an account of the status of girls' enjoyment of one of their fundamental rights; for this, the Rapporteur must sketch out how and how much women and men must change in order to help build a different world in which the human rights of all persons are respected and promoted, without distinction according to gender.
3. Girls' right to education cannot be addressed in isolation from gender issues; and these issues certainly not only affect women's rights but also impose the need to envisage a new form of masculinity that is more sensitive, responsible and proactive towards equality, justice and solidarity.
4. At the end of 2005, the Special Rapporteur deemed it appropriate to contribute to the discussion on progress in girls' enjoyment of the right to education, since that year was the deadline for attainment of the first phase of Millennium Development Goal 3, which proposed to eliminate gender disparity in primary education, and is an important milestone on the road towards the second goal (universal primary education by the year 2015) and the goals of the World Education Forum held in Dakar.
5. This report must in no way be interpreted as systematic monitoring of progress on the fulfilment of the Millennium Development Goals, since it deals with other topics that go beyond the vision and premises of the Millennium Declaration.
6. The Millennium Development Goals must not be seen as diverting attention from the commitments undertaken by States at international conferences held during the past decade: the United Nations Conference on Environment and Development (Rio de Janeiro 1992), the World Conference on Human Rights (Vienna 1993), the International Conference on Population and Development (Cairo 1994), the World Summit for Social Development (Copenhagen 1995), the Fourth World Conference on Women (Beijing 1995), the Second United Nations Conference on Human Settlements (Habitat II) (Istanbul 1996), the World Food Summit (Rome 1996)¹ and the World Education Forum (Dakar 2000), but rather as strategies for strengthening the global human development agenda.
7. Over the past year the Special Rapporteur has had an extensive agenda of dialogue and collaboration with Governments and civil society organizations, attended a host of workshops, seminars and conferences and undertaken a mission to Botswana in October.
8. Given that the rights of young and teenage girls have been the subject of much research and a substantial body of literature in recent years, the Special Rapporteur also deemed it appropriate to address this subject and suggest that reflection should go hand in hand with practical moves to give effect to young and teenage girls' right to education.

9. This report comprises a sociocultural and economic analysis both of social exclusion and gender discrimination and of the effects of patriarchal practices that hinder the development of education policies capable of guaranteeing young and teenage girls' right to education and encourage forms of socialization that run counter to human dignity. It also analyses world trends in girls' school attendance or lack thereof and the urgent need to link the quality of education to the construction of civic communities founded on human rights since school access alone does not guarantee realization of rights or fulfilment of needs.

I. SOCIAL AND CULTURAL CONTEXT OF GENDER DISCRIMINATION

A. Standardized education

10. The emergence of the earliest education systems, committed to training industrial and commercial labour, gave rise to worldwide schooling models and concepts that focused on the eradication of differences among students and the idea of creating standardized consumers and workers.

11. In the context of this educational trend, which began centuries ago, knowledge, skills and know-how were conceived as instruments for the common training of children and young people, perpetuators and reproducers of the Western-Christian-white-male stereotype.²

12. The social framework of patriarchal beliefs and behaviour encompassed in the concepts and models of the old industrial societies has had a dramatic impact on modern schools, validating and reproducing stereotypes, prejudices and inequalities generation after generation, sometimes even against the will of decision-makers,³ subordinating myriad historical and cultural identities to a single educational project⁴ that is therefore susceptible to institutionalized discrimination.

13. With the entry into force of international human rights law, education systems were called upon to promote the construction of civic communities respectful of the dignity and rights of all individuals, thereby provoking an essential crisis that compelled a redefinition of the very nature of national education and showed up all the mechanisms of exclusion in access and curricular content.

14. Even so, the movement of education towards human rights is burgeoning and must face the harsh reality of stubborn forces that continue to think of education as an instrument subordinated to the market and, therefore, as a kind of service rather than a right, which answers to the interests of the economy before those of individuals.

B. Patriarchal attitudes and inequalities

1. The concept of patriarchy

15. The social framework of asymmetries and disparities we identify as patriarchy predates the education systems and continues to have a decisive influence on the factors that produce social exclusion in schools.

16. The non-governmental organization People's Movement for Human Rights Learning (PDHRE) has made an important conceptual contribution to clarifying it. As it has stated, patriarchalism is a social context that defines the relations between individuals as relations of inequality.⁵

17. As a basis for this asymmetry, the system imposes the supremacy of men over women, although it also determines strict roles for men and even divides the sexes against themselves.

18. In addition to gender inequality, patriarchalism impedes social mobility and stratifies social hierarchies, with a negative impact on the realization of human rights, development, peace and security, since it controls economic resources and assigns social and cultural values that are essentially unjust.

19. This social framework is an obstacle to egalitarian relations between men and women and to the potential for development of the human personality in the area of education, in the terms set forth in the Convention on the Elimination of All Forms of Discrimination against Women and in article 13 of the International Covenant on Economic, Social and Cultural Rights. This social framework impresses its hierarchized character on the entire spectrum of human relations, placing young and teenage girls in a particularly disadvantaged situation, given their gender and age.⁶

20. It is clear that inequality is a cross-cutting variable that uniformly affects all the social strata in which women and other groups that suffer discrimination are found;⁷ patriarchalism is not a structure of autonomous oppression, focusing on women's subordination to men, but an undifferentiated set of oppressive factors deriving from sex, race, gender, ethnic origin and social background.⁸

2. Cultural changes

21. To break with this system of asymmetry calls for a complete overhaul of societies and cultures in order to encourage men and women to live together on an equal footing.⁹ As is evident from article 5 of the Convention on the Elimination of All Forms of Discrimination against Women, the elimination of prejudices and customary and all other practices based on the idea of the inferiority or superiority of either of the sexes or on stereotyped roles for men and women poses the main challenge to the identification of new educational and human development policies.

22. The purpose of girls' education, then, is to facilitate those changes by building in all persons the capacity to respect and exercise human rights; what is at stake is education for equality and, hence, a more just, interdependent, equitable and peaceful society.¹⁰

23. But the question remains the same: are States prepared to take on this challenge?

24. According to general comment No. 16 of by Committee on the Elimination of Discrimination against Women, substantive equality will not be achieved simply through the enactment of laws or the adoption of policies which fail to address or even perpetuate inequality between men and women because they do not take account of the existing economic, social and cultural inequalities, particularly those experienced by women.

25. For this reason, the Committee underscored the need for States to do away with discriminatory attitudes and stereotypes, as well as customs and practices held over from traditions that have consigned women to a position of inferiority.¹¹

26. In identifying the impact of patriarchalism on its societies as a factor making for women's continuous marginalization reflected in, among other things, a lack of gender equality and awareness, the Council of Europe has proposed a strategy for incorporating a gender perspective in schools, including legal aspects, public policies, ministerial responsibilities, the functioning of educational centres, research and the role of parents.¹²

27. As a notable effort in the direction indicated by the Committee, the Special Rapporteur wishes to underline the fact that 15 African countries have ratified the Protocol on the rights of women in Africa to the African Charter on Human and People's Rights, the provisions of which must be incorporated into national legislation.

3. The issue of masculinity

28. The framework of inequality and structural discrimination that underlies the processes of socialization and construction of gender stereotypes in many education systems¹³ also affects children and adolescents, who are usually conditioned or induced to adopt intolerant or overtly violent behaviour patterns.

29. It is therefore no mere analytical exercise to examine the construction of masculinity and the role it plays in the development process; rather, it has useful and urgent implications for improving the quality of life in all countries¹⁴ and should commit men to a path of change towards the establishment of a culture of human rights in schools.

30. The myth that patriarchalism is inevitable has been definitively exploded by studies showing that young people are more flexible than supposed in their expectations of gender roles,¹⁵ and can therefore prove ready to fashion relationships of respect, equality and cooperation should alternatives models of upbringing be available.

31. Teenage girls who have experienced violence of this kind are more likely to become pregnant, attempt suicide or use drugs or alcohol and to suffer from eating disorders; in addition to which, it is generally only a tiny percentage of victims of violence who report it to the authorities, the teachers or the courts.¹⁶

II. GIRLS' EDUCATION AND THE ECONOMY

32. The disjunction between intentions and actions in the field of education occurs amidst structural disparities and imbalances and the prevalent fallacy that economic development is the main purpose of education, which is usually viewed as an *outlay*, not as a human right.

33. Clearly, we all hope to gain economic benefits from education and literacy, but it is a different matter entirely to think that these benefits are education's central aim.¹⁷

34. For these reasons, many of the discussions about and demands for investment in education - including non-governmental organizations' well-meaning campaigns - reduce girls' rights to vague components of macroeconomic factors, such as the claim that one of the central targets of girls' school attendance is to be able to increase per capita growth.¹⁸

35. Economic growth does not always lead to human development. Consequently, the Special Rapporteur considers it inappropriate to propose the exercise of the right to education as a condition of productive or commercial efficiency, since per capita income itself, especially in fringe economies, is not obviously linked to social equity.

36. Moreover, the human right to education cannot be subordinated to or made contingent upon other rights or situations. The Special Rapporteur considers it a nonsense to underscore the centrality of education¹⁹ when it is assigned the impossible task of shoring up the economy.

37. This utilitarian view runs counter to the dignity of young and teenage girls and women and diverts attention from the essential aims of education, which is why it has failed as a strategy for raising awareness among Governments and financial institutions.

38. It is clearly true that education systems must change aims and strategies when these are not conducive to human advancement,²⁰ but it is also true that many of the major problems in education are to be found not in the school system, but in an essentially discriminatory socio-economic environment.

39. Investment in girls' education, especially if aimed at improving its quality and coverage, yield a social benefit that manifests itself in lower mortality rates, fewer unwanted births, and efforts to combat poverty, HIV/AIDS and malnutrition.

40. These positive effects should boost the incorporation of human rights into the actions and policies of States and the World Bank, instead of reducing girls' and women's priorities to a question of means to an end.

41. It has also been affirmed that measuring progress towards realization of the Millennium Development Goals depends largely on the use of statistical data,²¹ which makes for a veritable paradox, given the lack or limited development of qualitative indicators capable of showing the nature and incidence of the specific obstacles that produce and promote exclusion, discrimination and denial of young and teenage girls' rights.

42. The reluctance of many States to develop human rights indicators is inconsistent with a spirit of social commitment and solidarity. The Special Rapporteur deplores instances where Governments seek to avoid so much as mentioning the names of communities historically discriminated against on their territories.

43. General quantitative indicators averaging rates of increase in school registration, such as usually serve to measure "progress", are not useful enough. They do not reflect the complexity of gender disparities; rather, they obscure the needs of girls and women and contribute to practices harmful to human rights by failing to pinpoint the causes of backwardness, violence against girls and unwillingness to amend public policies that validate and perpetuate such practices.

III. THE LONG ROAD TO GENDER EQUALITY

A. Universal primary education and its impact on gender balance

44. According to the most conservative estimates, 55 million girls still do not attend school and at least 23 countries risk failing to achieve universal primary education by the year 2015, as proposed in the Millennium Development Goals.²²

45. Despite substantial progress in sub-Saharan Africa and Southern and Western Asia, those are precisely the regions where girls most lack educational opportunities: in Southern Asia 23.5 million girls do not attend school, and in Central and West Africa virtually half of all girls are also excluded.²³

46. To this depressing prospect must be added the 25 per cent of adults over 15 in Central America who are illiterate, for the most part poor indigenous girls and women living in rural areas.²⁴

47. According to even the most optimistic estimates, it will take at least 10 years longer than expected to achieve the target of universal primary education, since in 2015 there will still be 47 million children not attending school, and 47 countries will not attain the goal of universal school enrolment before almost the middle of the next century. Currently, 75 per cent of children in these countries have mothers who are also uneducated²⁵.

48. The lack of specific opportunities, school infrastructure, teaching materials, qualified teachers and direct and supplementary services for exercising the right to education (such as food, health services and safety on the way to and from school), and problems with the quality, relevance and adaptability of curricula have an adverse effect on girls' access to school and their retention in the system.

49. In its general recommendation No. 16, the Committee on the Elimination of Discrimination against Women called for the adoption of legislation and policies to ensure the same admission criteria for boys and girls at all levels of education and to ensure, through information and awareness-raising campaigns, that families desist from giving preferential treatment to boys when sending their children to school, and for curricula to promote equality and non-discrimination.

50. The financial obstacles to implementation of these measures in developing countries, such as unjust and unpayable foreign debt, and the lack of public policies that focus on the needs of girls, add to the reluctance to increase financial resources for education to a minimum of 6 per cent of gross national product, as recommended in international standards.

51. The Special Rapporteur deplores the fact that in many cases defence budgets are increasing at the expense of girls' education and that, on average, African and Southern and Western Asian countries allocate 3.5 per cent or less of gross national product to education.²⁶

52. The failure to give substance to girls' rights is due to decisions or omissions attributable exclusively to adults; but as envisaged in the Convention on the Rights of the Child, it will be impossible to find ideal solutions to those problems unless girls are involved in matters concerning them.

53. Consequently, the quest for opportunities and alternatives for and with girls should facilitate a new interpretation of the processes of democratization in all public spheres, in which minors are included in decision-making and in the mechanisms for adult accountability.

B. From equal access to total equality

54. It is disturbing that no country has succeeded in closing the gender gap in all aspects of social life. This means that gender inequality does not flow automatically from poverty, since it has been amply documented in North America and Europe, for instance, where persistent inequalities in access and significant barriers facing women adversely affect girls' education and chances in life.²⁷

55. Rhetoric in favour of girls' rights has not prevented education from continuing to be one of the lowest budget priorities and one of the least favoured areas in public policy.²⁸

56. Of the world school-age population, 56 per cent live in countries that have not achieved gender parity in primary education; in the case of secondary education the figure is 87 per cent, so that the disadvantages to which adolescent girls are subject continue to pile up.²⁹

57. Even though gender inequality in education has special local and regional features, some characteristics are common to many countries,³⁰ such as poverty (which itself accounts for many forms of exclusion), dangerous school environments and many patriarchal effects such as curricular stereotyping, parental unwillingness to invest or take an interest in girls' education, child labour, discriminatory social and cultural practices, restrictions on girls' freedom of movement and expression and, of course, wars and emergencies.

58. As the year 2005 draws to close, we know for a fact that the goal of gender equality established in the Millennium Development Goals has not been met in 94 of the 149 countries for which information is available.

59. There are 86 countries unlikely to achieve gender parity even by the year 2015, while 76 countries have not even achieved gender parity in primary education, and girls continue to suffer from the disparities.³¹

60. Had the goal been attained, there would now be 14 million more girls in primary school, but the reality is that in 41 countries - together accounting for 20 million girls not attending school - the gender gap is growing wider or is narrowing so slowly that parity will not be achieved before the year 2040,³² while 115 countries (of the 172 on which information is available) still report disparities in secondary education.³³

61. In any event, the concept of "parity", implying as it does mere quantification of the girls registered for school, does not reflect the substantive idea of "gender equality" as contemplated in the 1995 Beijing Declaration and Platform of Action, so it is useless for evaluating improvements in the quality of education.

62. The global situation notwithstanding, some countries have made sterling efforts; one such is Benin, which has increased the general enrolment rate of girls and boys aged 6-12 from 44 per cent in 1996 to 55 per cent in 2001, reducing the gender gap from 21 per cent to 17 per cent. Rapid progress has also been made in Afghanistan, Chad, Ethiopia, Gambia, Guinea, India, Morocco, Nepal and Yemen.³⁴

63. The Special Rapporteur has consistently affirmed that school access alone does not offer any guarantee, and that promoting high-quality education based on the study and daily practice of human rights is essential to the mounting of an effective resistance to all forms of exclusion and discrimination.³⁵

64. The difficulties facing young and teenage girls are often aggravated by other types of exclusion linked to disabilities, ethnic or geographical origin, sexual preferences, and religious beliefs or lack thereof, among other things.

65. Such exclusion also occurs in developed countries, where it often escapes the attention of the authorities because of the general tendency to overlook migrant populations, for example, and persons with intellectual disabilities, who in Europe continue to meet with prejudice and barriers to the realization of their rights,³⁶ including that of education.

66. The discrimination girls encountered in the school environment is also due to a lack of educational models that have a cultural focus and are respectful of diversity; to the long distances girls must travel to get to school; to the lack of safe transport; to the sparse recruitment of women teachers; to the limited attention paid to girls with special educational needs; to the absence of thorough, continual gender awareness-raising and training for male and female teachers; to the scant interest taken in attracting back and retaining pregnant teenagers and adolescent mothers; to the lack of sex education; and to the costs of registration, uniforms, food, textbooks and teaching materials that families must defray, which affect girls more unfavourably.³⁷

C. Working girls

67. Domestic work by children, both paid and performed in conditions of virtual slavery, continues to be a major cause of exploitation and violence and one of the factors that have perversely kept millions of girls out of school.

68. Child labour has worse educational consequences for girls because they must confront other, related forms of aggression and exclusion associated with their tasks and, even worse, do not even receive any financial reward for domestic chores (usually reserved for girls) which may take up to seven hours a day.³⁸

69. Girls' domestic obligations are rooted in customs and traditions that afford men preferential treatment, provoke school dropout at earlier ages than boys and are normally reinforced by stereotypes in textbooks and classroom activities.

70. There is not enough alternative institutional support for girls' work to afford them access to education and high-quality education. Moreover, governmental inaction in the face of child labour is one way of legitimizing informal employment, allowing girl workers' rights to be overlooked entirely.

D. Marriage, pregnancy and motherhood

71. Patriarchal practices that limit female autonomy and keep young and teenage girls away from education usually involve early or unwanted marriages, pregnancies and motherhood.

72. Teenage marriages are often based on a type of socialization that reinforces the idea held by parents that the ultimate objective for girls is matrimony.³⁹ This idea is not only propagated in the school environment but also exacerbated by the psychological disempowerment that girls suffer in their primary relations, feeding the belief that education is not an option for married women.

73. The type of socialization that excludes married teenagers from educational opportunities is accompanied in many countries by laws authorizing early marriage, thereby validating a structure of subjection that hampers the right to education with the paradoxical association of standards that guarantee free will.

74. In at least 44 States girls may contract marriage before boys, and in 25 of those countries (in all regions except Central Asia), the minimum marriageable age for girls is 15 years or less.⁴⁰

75. Recent studies⁴¹ show that in some countries more than 50 per cent of women marry before they are 18 and are obliged to drop out of school.

76. Pregnancy and motherhood in teenage girls are also common motives for discrimination in education; worse, when pregnancy is a disciplinary offence teenagers risk expulsion from school and are forced to consider abortion if they wish to continue their studies.

77. For example, the Joint United Nations Programme on HIV/AIDS (UNAIDS) reports cases in Africa in which one in five pregnancies occurs among teenagers aged 13-19,⁴² and some trends in North America and Europe show pregnancy rates in the region of 80 per thousand girls aged 15-19.⁴³

78. When poverty combines with marriage and early motherhood, formal education becomes even more distant for teenage girls, who have virtually no choices other than domestic work and raising their children.

79. Many countries have made considerable progress in legislation and constitutional case law guaranteeing teenage mothers the right to formal education. Civil society has also carried out other important experiments to enable more pregnant girls to join and remain in the education system: one such is the "Girl Child Project" implemented by the Nurses Association of Botswana in collaboration with the country's governmental authorities; another is the initiative of the New Zealand Federation of Graduate Women, which has achieved important results in school attendance by teenage mothers in Auckland.

E. Girls from communities that experience discrimination

80. The Committee on the Elimination of Racial Discrimination has dwelt on the need for more consistent methods of evaluating discrimination against women, and the disadvantages, obstacles and difficulties they encounter in exercising and enjoying their rights to the full irrespective of race, colour, descent or ethnic or national origin.⁴⁴

81. Those strategies must include reducing dropout rates among girls and combating the harassment of students from communities facing discrimination on account of their descent, since many Governments pay little attention to the structural causes of dropping out or low enrolment in school of girls from ethnic minorities.⁴⁵

82. Communities historically discriminated against include the Dalits,⁴⁶ who suffer many forms of exclusion in several Asian and African countries.⁴⁷

83. In one such country literacy levels are lowest among Dalit girls, at 24.4 per cent, compared to the national average of 42.8 per cent for the female population. In the Mushahar Dalit community, barely 9 per cent of women are literate.⁴⁸

84. High illiteracy rates combine with an enduring gender gap and with differences between urban and rural areas, also to the detriment of young and teenage girls.⁴⁹ In addition, teachers have been known to declare that Dalit pupils “cannot learn unless they are beaten”.⁵⁰

85. Other studies have documented absenteeism, irregular attendance and negligence by teachers, who have in addition used Dalit and Adivasi children to do work for them, corporal punishment and fear of teachers - one reason cited by parents for not sending their children to school.⁵¹

86. In Europe, Roma girls frequently live in poverty and encounter myriad forms of aggression and exclusion;⁵² national and regional strategies are needed to give them the same opportunities to meet their educational needs as the rest of the population.

87. The Special Rapporteur deplores the fact that violations of the rights of indigenous girls, especially racial violence, forced pregnancies, sexual assault and forced sterilization, are allowed to continue without the States concerned tackling the situation head-on.

IV. COMMUNICATION WITH GOVERNMENTS

88. In the framework of the present report, the Special Rapporteur sent a questionnaire to solicit information from States, civil society and other stakeholders on the right to education for girls. The questionnaire uses the four elements identified as components of the right to education, namely, availability, accessibility, acceptability and adaptability. These elements aim at guiding the Special Rapporteur in highlighting six major points; the gender balance in school enrolment; reasons for dropping out of school; gender balance in school graduation; gender sensitivity and human rights elements in the school curricula; the school environment as a factor encouraging girls' attendance; and the sociocultural context of discrimination against young and teenage girls.

89. The Special Rapporteur would like to express his deep gratitude to all those who answered the questionnaire. Communications were received from Argentina, Austria, Costa Rica, Denmark, Estonia, Ethiopia, Finland, Germany, Japan, Kazakhstan, Kuwait, Mexico, Monaco, the Philippines, Portugal, the Russian Federation, Senegal, South Africa, Sudan and Uruguay. Replies were also received from the Division for the Advancement of Women, the Food and Agriculture Organization of the United Nations, the Office of the United Nations High Commissioner for Refugees, the United Nations Educational, Scientific and Cultural Organization, UNICEF (and UNICEF Senegal), and the United Nations Development Programme. He regrets not being able to reproduce or even appropriately summarize these extremely useful contributions. He can only comment on major trends and validate his analysis of the situation of girls' right to education. The Special Rapporteur intends to reflect the replies in a consolidated report on his communications with Governments to be submitted in 2007.

90. The overwhelming majority of the States that replied to the questionnaire reported on constitutional and legal guarantees for education and/or gender equality, with the exception of Denmark, whose Constitution does not specifically provide gender equality but which has a wide range of legal guarantees such as the Equal Treatment Act and the Act on gender equality, and Germany, whose Constitution does not explicitly mention the right to education. The spectrum of guarantees for gender equality range from extremely precise provisions such as article 35 of the Constitution of Ethiopia, which acknowledges the need for affirmative actions to remedy the historical legacy of inequality and discrimination suffered by women to more general wording such as that found in the Constitutions of Uruguay, Japan, Mexico, Portugal, Argentina, Costa Rica, Estonia or Kazakhstan.

91. Over the past decade, most countries increased primary-school enrolment, especially developing countries. Many States guaranteed equal access to education and incorporated a universal right to education in their constitution or legislation. A number of countries reported universal access to basic education and recognized the importance of action to increase student enrolment, retention and regular attendance, especially among girls. Several national policies guaranteed completion of basic education for girls, especially those living in rural and deprived areas, as well as opportunities for women and girls to continue their education. Ethiopia brought girls into school with a programme that established schools closer to the community, provided flexible and relevant curricula and encouraged female facilitators from the community to participate. South Africa identified infrastructure, special protection measures, education, early childhood development, child and maternal health, nutrition, leisure and recreation, as well as peace and non-violence as priority areas for action-oriented policies to ensure the full realization of the right to education, with a special mention of girls.

92. While countries such as Kazakhstan, Japan, Estonia, Monaco, Denmark, Uruguay and Germany did not identify culture or social norms and practice as adversely affecting girls' education, other States reported that persistent gender stereotypes and cultural bias continued to impact on girls' access to school and the completion of their study. Portugal has established programmes to provide training and occupational integration for women. Through its Girls' Education Movement (GEM), South Africa put in place a programme that promotes girls' education from a gender perspective and encourages girls to participate in their education and to access training and occupations usually associated with boys.

93. Some countries reported action to remove discriminatory elements, including revision of curricula and textbooks for the introduction of gender-sensitive approaches. In Japan, fighting gender stereotypes in the society and education has been identified as one of the goals of the Fundamental Plan on Joint Participation by Men and Women. In 2000, South Africa adopted the National Curriculum Statements referring to the constitutional provisions on values, education and democracy. Ethiopia trained and sensitized teachers and academics on gender equality and materials which are gender-sensitive.

94. Early marriages and pregnancies, violence and sexual abuses, child labour, difficult access to school premises, and domestic-related tasks were mentioned among the main barriers to girls' education. Some countries allocated places in school for students of either sex who are, or are about to be, parents or they developed handbooks on social interaction, including on issues such as keeping pregnant teenagers in the education system. Mexico and Argentina have designed programmes providing economic and school support for pregnant teenagers to enable them to cope with maternity while continuing to study. Denmark and Portugal allow pregnant girls to leave school and resume their education after they give birth, while Costa Rica ensures legal protection to pregnant teenagers and adolescent mothers through the Inter-Institutional Council on Adolescent Mothers.

95. In some instances, higher dropout rates were registered among boys rather than girls. The Philippines reports a higher boys' dropout rate, aggravated in rural and poor areas where parents would rather have their children work to help the family economically. Some countries, such as Estonia, have commissioned studies to get information on dropout rates and the reasons for such dropouts, with a gender focus. Rural and urban disparities also tend to aggravate existing gender imbalance in the education system.

96. While Kazakhstan, Costa Rica, Finland, Denmark and other countries reported on the absence of school fees, it is admitted that direct fees, as in the case of South Africa, or even indirect fees, such as those related to membership in the school community, books, furniture, or uniforms, have a negative impact on access to and retention in school. Countries such as Germany, Portugal and Kazakhstan, for example, exempt parents in need from the purchase of educational materials and provide them with financial assistance. Although many countries do not seem to have gender-disaggregated data, the Philippines stopped the collection of school-related activities' tuition fees to accommodate students, especially girls, from low-income families. Ethiopia reported about the particularly negative impact of indirect costs on girls' school attendance, and in order to minimize the potential negative impact the fees could have on boys and girls' school attendance, South Africa has introduced a system of exemption from paying direct school fees for parents in need.

97. States recognized the importance of education for gender equality and the empowerment of women and have achieved progress in primary education access, but consistent efforts are needed to close the gap between primary and secondary schools and between urban and rural areas.

V. EDUCATION POLICY AND CLASSROOM REALITY

A. From individual challenges to collective responsibilities

98. Problems relating to girls' school attendance are not unrelated to educational content. On the contrary, gender stereotyping, threats to girls' emotional security and curricula that are insensitive to gender issues directly conspire against the realization of the right to education.⁵³

99. Nor is progress on gender equality separate from the quality of education, especially bearing in mind that girls' education is fundamentally associated with the promotion of social justice and democracy.⁵⁴

100. The Special Rapporteur stresses that education should be promoted as a means of constructing knowledge and the common good, in which the learning process acts as an element enabling all persons to exercise their human rights.

101. The right to education represents a collective responsibility that implies respect for each person's special characteristics; it is a praxis of diversity, since the learning process presupposes acknowledgment of and respect for *the other, both male and female*, and therefore of the possibility of consensus, acceptance of dissent and respectful dialogue geared to peaceful coexistence.

102. Educational policies devised in accordance with human rights must promote curricular development that calls for girls' to participate and be permanently included, with syllabuses and curricula that always accord them full respect and acknowledgement in classroom activity.

103. The Special Rapporteur has recommended ethnographic studies to provide information about the impact of human rights instruments on actual classroom situations, thus showing up the stereotypes that keep girls in a position of subordination and hinder their participation in the dynamics of schooling.

104. The following are some of those problems and stereotypes:⁵⁵

- Both men and women teachers' low expectations of intellectual skills, since it is thought that girls are inherently less intelligent than boys.
- Teachers give girls less feedback. It is claimed that girls have eight times less contact with teachers than boys.
- Teachers frequently report that they enjoy teaching boys more than girls.
- Girls have fewer expectations of themselves in and out of school; they think that their future consists primarily of being wives and mothers.
- Women teachers' and girls' low expectations are reinforced by textbooks, curricula and assessment material, in which no female figures appear.⁵⁶
- Boys usually have sufficient space to practise certain sports; girls are not provided with similar space.

- Prizes won by girls and girls' achievements are not as widely reported or publicized as boys'.
- There is a clear tendency to use sexist language.
- Girls suffer sexual assault and harassment by male teachers and classmates.
- The education authorities are often unaware of such assaults and may even be reluctant to intervene, especially if they consider such conduct to be "natural".

105. The need to improve girls' enjoyment of their rights in the school environment is producing new teaching trends that suggest eradicating segregationist curricula, relying instead on a model in which men's and women's experience is combined and equal treatment reaches beyond traditional gender assumptions.⁵⁷ The practical contribution teachers are expected to make to that cause is an urgent matter.

106. The Special Rapporteur considers that experimental proposals to boost gender equality in education must be promoted and fully debated in ministries of education so that the whole dynamics of schooling can be improved.

B. Sex education

107. Never has high-quality education been so important for combating HIV/AIDS, and also for guaranteeing children an education that will help change patriarchal attitudes and build sexuality founded on love and responsibility, as stated by the Committee on the Rights of the Child in its general comment No. 3, paragraph 6.

108. HIV/AIDS has had such a devastating impact that in one country alone over 100 schools have had to be closed in a decade because of deaths caused by the pandemic.⁵⁸

109. Gender inequities are one factor putting girls at risk of contracting HIV owing to their subordinate position⁵⁹ which often leaves them vulnerable to rape.

110. Protecting girls from the sexuality-related causes of exclusion and gender violence in schools is not only a vital requirement worldwide, it also implicates and engages the entire educational apparatus, from textbook publication and the construction of sanitation facilities to the training, recruitment, awareness-raising and further training of teachers.

111. A good example of this type of commitment may be found in Mongolia's Reproductive Health Project for Adolescents, also known as "P0 Zorgaa", with which the Government explicitly decided to support sex education, beginning in the third grade.

112. The National Network for the Promotion of Women in Peru has stressed the need to promote sex education among girls reaching menarche and their families.⁶⁰ Its studies confirm that, with the arrival of menarche, the time has come for many a teenage girl to drop out of school, and it is often also a sign for the parents that a girl is capable of having sexual relations and of conceiving, which means her family will encourage her to drop out of school.

113. The Special Rapporteur must mention cases of discrimination and exclusion where girls have been expelled from educational institutions for displaying any kind of affection for fellow students of the same sex. There have even been reports of situations in which punishment has been meted out, not for any explicit behaviour, but rather on the strength of prejudice or unfounded arguments on the part of the school authorities.⁶¹

VI. GIRLS IN ARMED CONFLICTS

114. Estimates have it that at least half of the 110 million children receiving no education live in countries where there is or has recently been armed conflict.⁶² In 8 of those countries net school enrolment is below 50 per cent, and of the 17 countries in sub-Saharan Africa where enrolment fell in the previous decade, 6 were affected by wars.

115. Furthermore, of the 14 countries with low gender parity, 2 are still in the throes of armed conflict, 2 are in the process of recovery and at least 1 is involved in a regional conflict or rebellion.

116. Of the 3.6 million people killed in wars since 1990, almost half have been children.⁶³

117. Besides these brutal facts, the Special Rapporteur must mention that armies, militia forces and rebel factions in at least 60 countries persist in recruiting girls.⁶⁴

118. These situations have been given too little attention to guarantee the right to education in settings where all human rights are violated and opportunities for peaceful coexistence are extremely slender.

119. Scant success in achieving lasting peace has not prevented isolated emergency initiatives for early educational recovery by some State, multilateral and non-governmental organizations. One such case is the Gender Equity Support Programme (GESP) of the Sudan Basic Education Programme, which, with only 7 per cent of female teachers, has concentrated on increasing training programmes with a gender perspective and the participation of teenage secondary schoolgirls.

120. The Special Rapporteur would also like to draw attention to the work of the International Rescue Committee, which has supported school hostels in Afghanistan for girls in particular and programmes designed to offset the sexual exploitation of girls in schools operating in refugee camps.

VII. CONCLUSION AND RECOMMENDATIONS

121. **New responses must be found in twenty-first century education to the patriarchal attitudes that have subordinated girls, women and groups discriminated against, so that human rights can point the way to the fashioning of egalitarian civic communities.**

122. **The exclusion of girls which has hitherto obstructed gender parity and equality in education reflects not only poverty and other structural factors, but also a shortage of political will on the part of many States that view education as a non-essential service, not as a human right.**

123. Many of the serious problems besetting education are not to be found in school systems but in the discriminatory environment. This is one reason why certain educational reforms, expected to settle social and economic problems which government authorities have not wanted to tackle, have met with little success.

124. If a lack of political will, prejudice, social inequality and marginal regard for girls can be identified as the basis of these problems, international financial institutions and States must begin to pursue more decisive strategies, integrating human rights completely into public policies so that the priorities of girls and women cease to be issues of means to an end and the construction of a fairer, more egalitarian world can proceed.

125. The fact that no country has succeeded in eliminating the gender gap clearly reveals how far educational commitment has fallen short. We live in a world where development has not brought about progress on equality, and inclusion continues to be a privilege.

126. The reasons for dropout and low school enrolment among young girls and teenagers must once more become a primordial concern of States, a concern taken up not only in educational policy but in all social, cultural and family pursuits, since girls' education is inseparably linked to the promotion of social justice and democracy.

127. The Special Rapporteur recommends to the States that they should:

Availability

128. Increase education budgets to at least 6 per cent of gross national product, in accordance with international standards.

129. Guarantee a significant and growing budget to bolster programmes for the construction and improvement of school infrastructure until all national needs are met. That infrastructure must be sited within communities and include a drinking water supply and separate, private, safe sanitation services for girls.

130. Increase economic aid to developing countries so that the Fast Track Initiative can be extended to countries that are ready to speed up girls' education, and finance the studies and strategies necessary for others to be ready to do so.

131. Promote the recruitment of female teachers.

132. Establish efficient mechanisms for supplying sanitary towels to adolescent girls who so wish, especially in rural areas, and ensure they can always have the use of the sanitation facilities they need.

133. Design and implement effective programmes to guarantee successful schooling of pregnant teenagers and adolescent mothers; consideration should also be given to the possibility of providing food and childcare services during school hours.

134. Offer special incentives to universities and teacher-training institutions for improving gender parity in teacher graduation and incorporating a gender perspective in syllabuses for trainee teachers of both sexes, and develop gender-training programmes for serving teachers, female and male.

Accessibility

135. Develop and apply qualitative and quantitative human rights indicators that make it possible to identify and address the causes of exclusion, discrimination, segregation and any other type of limit on girls' enjoyment of their right to education.

136. Establish educational policies and teaching practices that ensure inclusion of young and teenage girls with disabilities and learning difficulties.

137. Offer preferential educational opportunities to girls who have been uprooted because of war or other social conflict or emergencies.

138. Take the legal and administrative steps necessary to guarantee that admission and enrolment criteria for girls are applied in the same way as for boys.

139. Conduct teaching exercises with children and adolescents to analyse gender stereotypes in classroom activity and combat their prevalence in textbooks, teaching materials and all other school activities.

140. Remove known barriers to the enrolment and retention in school of young and teenage girls belonging to all ethnic groups, castes and communities that are discriminated against; address as a priority the reasons why they drop out, and take action to ensure that they are not stigmatized in the curriculum or in school activities.

141. Ensure all working girls, including those engaged in domestic work, have equal opportunities to enjoy the right to education. To that end, alternative projects should be designed to provide solutions to the family needs that are traditionally met by such girls.

Acceptability

142. Take the legal, technical and administrative action necessary to comply with the first phase of the World Programme for Human Rights Education, and provide high-quality education based on the learning of human rights and their application to life in keeping with the principles of equality and non-discrimination.

143. Form local and regional commissions to identify which aspects of customs, traditions and any other sociocultural factors impede egalitarian treatment of girls in educational institutions, and recommend measures to eradicate them forthwith.

144. Develop and execute, in formal and non-formal education, syllabuses on sexuality that promote respect for girls' and women's rights and fashion a sensitive, responsible male sex.

145. **Appoint specific committees of male and female experts to eliminate the stereotypes existing in textbooks and recommend alternative texts.**
146. **Issue clear, strict directives that no practice that discriminates against girls in education systems will be tolerated.**
147. **Conduct research to evaluate the level of implementation of human rights in specific classroom activities and, based on the results obtained, take appropriate corrective action.**

Adaptability

148. **Conduct specific experiments, projects and programmes to ensure that girls play an active part in identifying their educational, social and cultural needs, so that they can propose solutions based on their own knowledge and experience.**
149. **Establish educational policies and specific plans to developing intercultural education.**
150. **Guarantee sufficient physical space for girls' play, sports and recreation, on an equal footing with boys.**
151. **Promote programmes offering economic compensation for poor families so that their daughters, like their sons, can be sent to school.**
152. **Design and publicize simple, appropriate, practical mechanisms enabling girls to report, in complete security and confidentiality, any acts of violence towards them at or near educational institutions.**

Notes

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